

REMARKS

In the above-identified Office Action, the Examiner objected to the ABSTRACT of the invention. Claims 1 - 3, 5, 8 - 10, 12, 15 - 17, 19, 22 - 24 and 26 were rejected under statutory-type double patenting as being unpatentable over Claims 1, 6 - 9, 14 - 17, 22 - 25 and 30 of Document No. 20050131697 (i.e., Serial No. 10/732,781). Claims 4, 11, 18 and 25 were rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 1 of US Patent Application No. 10/732,781 in view of Obrador. Claims 1, 8 15 and 22 were rejected under 35 U.S.C. §102(e) as being anticipated by Obrador. Claims 2 - 5, 9 - 12, 16 - 19 and 23 - 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Obrador in view of Basu. Claims 6, 7, 13, 14, 20, 21, 27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Obrador in view of Basu and further in view of Taylor et al.

In response to the objection to the Abstract, Applicants have deleted the TITLE of the invention on the page containing the ABSTRACT to overcome the objection made thereto. Consequently, Applicants request withdrawal of this objection.

Further, Applicants have amended the claims to overcome the 102 rejection made thereto. Particularly, the independent claims (i.e., Claims 1, 8, 15 and 22) are amended to include the limitations:

receiving from a user input data which specifies indicating the particular expression during the speech (support is on page 16, lines 2 - 12); and

identifying whether at least one participant exhibits the particular expression during the speech, said identifying including:

analyzing data representing the participants to generate a set of action units (AUs) for each participant wherein each set of AUs for

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an participant represents an expression exhibited by the participant
(support is on page 11, lines 10 – 19);

determining whether at least one of the participants exhibits the
particular facial expression by processing each set of generated
AUs utilizing an automated facial decoding system; (support is on
page 11, line 31 to page 12, line 12) and

displaying, in response to determining that one of the participants
exhibits the particular facial expression, the at least one participant
to the user (support is on page 16, lines 27 – 32)

Note that support for the added limitations is in the originally-filed Specification. Hence, no new matter is added to the Application by the amendment of the claims.

Regarding the rejection of Claims 1 - 3, 5, 8 – 10, 12, 15 – 17, 19, 22 – 24 and 26 under the statutory-type double patenting as being unpatentable over Claims 1, 6 – 9, 14 – 17, 22 – 25 and 30 of Application No. 10/732,781, Applicants submit that it is unwarranted.

The claims in the instant application are directed toward identifying participants at a conference who exhibit a particular expression during a speech by receiving data representing the particular expression. This is done by receiving data specifying the expression, analyzing data representing the participants to generate a set of action units (AUs) determining whether at least one of the participants exhibits the particular facial expression by processing each set of generated AUs utilizing an automated facial decoding system and displaying, in response to determining that one of the participants exhibits the particular facial expression, the at least one participant to the use.

Claims 1, 6 – 9, 14 – 17, 22 – 25 and 30 of Application No. 10/732,781, on the other hand, are now directed toward using stored audio and video data
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recorded at a conference as a speech analysis tool by indicating a facial expression for which to search from the stored video data, the facial expression being exhibited by one or more of the participants listening to a speech at the conference; determining, using the stored video data in conjunction with an automated facial decoding system, whether at least one participant listening to the speech exhibited the indicated facial expression; and analyzing, in response to determining that the at least one participant listening to the speech exhibited the facial expression, the speech by analyzing the stored video data representing the at least one participant exhibiting the facial expression and stored audio data representing what was being said in the speech when the at least one participant exhibited the facial expression to improve a speaker's speech making ability.

In MPEP 804, a reliable test for double patenting under 35 U.S.C. 101 is postulated as whether a claim in an application could be literally infringed without literally infringing a corresponding claim in a patent. As an example, an invention defined by a claim reciting a compound having a "halogen" substituent is said not to be identical to or substantively the same as a claim reciting the same compound except having a "chlorine" substituent in place of the halogen because "halogen" is broader than "chlorine."

Thus, if two claims are of different breadth, they are not the same under 35 USC §101.

Claim 1 in the present Application is of different breadth than Claim 1 in Application No. 10/732,781. For example, Claim 1 in Application No. 10/732,781 includes the limitations analyzing the stored video data representing the at least one participant exhibiting the facial expression and stored audio data representing what was being said in the speech when the at least one participant exhibited the facial expression to improve a speaker's speech making ability which are absent in Claim 1 of the present invention.

Further, Claim 1 in the present Application includes **AUs** as limitations which are absent in Claim 1 in Application No. 10/732,781.

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Consequently, Applicants submit that Claim 1 in the instant Application contains different subject matter than Claim 1 in Application No. 10/732,781.

Therefore, Applicants respectfully request withdrawal of the statutory-type double patenting rejection.

In addition, since the dependent claims (i.e., Claims 2, 3, 5, 9, 10, 12, 16, 17, 19, 23, 24 and 26) include the limitations of their respective independent claims, Applicants submit that they too claim different inventions than dependent Claims 6 – 8, 14 – 16, 22 – 24 and 30 in Application No. 10/732,781.

Thus, Applicants likewise request withdrawal of their statutory-type double patenting rejection.

Regarding the rejection of Claims 4, 11, 18 and 25 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claim 1 of US Patent Application No. 10/732,781 in view of Obrador, Applicants have canceled the claims. Thus the rejection becomes moot.

Applicants also amended Claims 2, 3, 9, 10, 16, 17, 20, 23, and 24 to better claim the invention and canceled Claims 5, 7, 12, 14, 19, 21, 26 and 28.

By this amendment, therefore, Claims 1 – 3, 6, 8 – 10, 13, 15 – 17, 20, 22 – 24 and 27 remain pending in the Application. For the reasons stated more fully below, Applicants submit that the pending claims are allowable over the applied references. Hence, reconsideration, allowance and passage to issue are respectfully requested.

The invention is set forth in claims of varying scopes of which Claim 1 is illustrative.

1. A method of automatically identifying participants at a conference who exhibit a particular expression during a speech comprising:

receiving from a user input data which specifies the particular expression during the speech; and

identifying whether at least one participant exhibits the particular expression during the speech, said identifying including:

analyzing data representing the participants to generate a set of action units (AUs) for each participant wherein each set of AUs for a participant represents an expression exhibited by the participant;

determining whether at least one of the participants exhibits the particular facial expression by processing each set of generated AUs utilizing an automated facial decoding system; and

displaying, in response to determining that one of the participants exhibits the particular facial expression, the at least one participant to the user.
(Emphasis added.)

Applicants submit that the claims, as presently drafted, are patentable over the applied references.

Obrador purports to teach a method of video indexing based on viewers' behavior and emotion feedback. According to the teachings of Obrador, the method automatically indexes a multimedia sequence using viewers' casual feedback while watching the multimedia sequence. The method uses a system, such as an emotion detection system, that includes one or more multimedia acquisition devices, such as video cameras, to detect viewers' behavior and emotion feedback, and to produce as video indices various categories of behavior and emotion segments. Each video camera may include one or more image sensors and/or audio sensors. The viewers or other users may later selectively view the multimedia sequence by browsing through the video indices of various categories of emotion. The video indices are similar to chapters within digital video disc (DVD) movies that enable a user to jump directly to a particular chapter without having to fast forward.

However, Obrador does not teach, show or suggest ***receiving from a user input data which specifies the particular expression during the speech; and identifying whether at least one participant exhibits the particular expression during the speech, said identifying including: analyzing data representing the participants to generate a set of action units (AUs) for each participant wherein each set of AUs for a participant***
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represents an expression exhibited by the participant; determining whether at least one of the participants exhibits the particular facial expression by processing each set of generated AUs utilizing an automated facial decoding system; and displaying, in response to determining that one of the participants exhibits the particular facial expression, the at least one participant to the user as in the claimed invention.

Hence, Applicants submit that Claim 1, along with its dependent claims, is allowable over the applied references. The other independent claims (i.e., independent Claims 8, 15 and 22), which all include the above-emboldened/italicized limitations of Claim 1, as well as their dependent claims, are also allowable over the applied references. Consequently, Applicants once more respectfully request reconsideration, allowance and passage to issue of the claims in the Application.

Respectfully Submitted

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